

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JESSE JAMES PAGAN, LILYANN
DAVILA, and JACK COWAN, *on behalf of
themselves and all similarly situated persons,*

Plaintiffs,

v.

FANEUIL, INC.,

Defendant.

Civil Action No. 3:22-cv-297

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Jesse James Pagan, Lilyann Davila, and Jack Cowan (“Plaintiffs”), by and through their undersigned counsel, hereby move this Court to:

1. Preliminarily approve the settlement described in the “Settlement Agreement” between Plaintiffs and Defendant Faneuil, Inc. (“Faneuil” or “Defendant”), and the attachments thereto, including the Short Notice, the Long Notice, the Claim Form, the [Proposed] Order Granting Preliminary Approval of Class Action Settlement, and the [Proposed] Final Approval Order, attached to the Declaration of David K. Lietz, filed herewith in support of this Motion;
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiffs Jesse James Pagan, Lilyann Davila, and Jack Cowan as Settlement Class Representatives;
4. Appoint David K. Lietz of Milberg Coleman Bryson Phillips Grossman PLLC and M. Anderson Berry of Clayco C. Arnold, as Settlement Class Counsel;
5. Approve a customary short form notice to be mailed to Settlement Class Members (the “Short Notice”) in a form substantially similar to that attached as Exhibit 3 to the Settlement Agreement;
6. Approve a customary long-form notice (the “Long Notice”) to be posted on the Settlement Website in a form substantially similar to the one attached as Exhibit 2 to the Settlement Agreement;
7. Direct Notice to be sent to the Settlement Class Members in the form and manner proposed as set forth in the Settlement Agreement and Exhibits 2 and 3 thereto;
8. Appoint Postlethwaite & Netterville APAC (“P&N”) as Claims Administrator;
9. Approve the use of a Claim Form substantially similar to that attached as Exhibit 1 to the Settlement Agreement; and

10. Set a hearing date and schedule for final approval of the Settlement and consideration of Settlement Class Counsel's motion for award of fees, costs, expenses, and service awards.

This Motion is based upon: (1) this Motion; (2) the Declaration of David K. Lietz, filed herewith; (3) the Settlement Agreement; (4) the Notices of Class Action Settlement (including the Approval of Class Action Settlement; (7) the [Proposed] Final Approval Order and Judgment; (8) the records, pleadings, and papers filed in this action; and (9) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion. The proposed settlement is fair, reasonable, and adequate, and meets all the criteria for preliminary approval under the Federal Rules of Civil Procedure. In support of this Motion, Plaintiffs hereby submit the following Brief in Support.

Dated: September 1, 2022

By: /s/ Lee A. Floyd

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¹ The capitalized terms used in this Motion shall have the same meaning as defined in the Settlement Agreement, except as may otherwise be indicated.

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